

# Coming for a Hearing at the Court of Protection in London or at one of our regional courts

The Court of Protection is a specialist Court established by the Mental Capacity Act 2005 and is governed by the Court of Protection Rules 2007. The court has a Listing Policy which sets out the way in which the court aims to list cases for hearings.

Court of Protection hearings can be in London or at one of our regional courts in England and Wales. When considering an application the judge will decide whether the hearing will be transferred out of London to a regional court, if this is more convenient for all the parties. The court will write to you to let you know if the hearing has been transferred to a regional court. If the hearing is to be at a regional court please ensure that you send all your evidence directly to the regional court and not to the Court of Protection in London. Similarly if you have queries about a hearing at a regional court please make your enquiries directly with the listing officer at the regional court, not the Court of Protection in London.

As a rule, all Court of Protection hearings are held in private unless stated otherwise. However persons other than invited parties, who wish to attend a hearing, can make an application to the judge hearing the matter. You can do this on form COP9 giving your reasons within form COP24.

The Court's procedures are set down in a number of Practice Directions and both lay and professional applicants are encouraged to familiarise themselves with these. Practice Directions for the Court can be found on [www.gov.uk/court-of-protection](http://www.gov.uk/court-of-protection). The Practice Direction relating to attended hearings is Practice Direction 13A.

Please note that all decisions are made by the court on the basis of a formal application using the appropriate forms. For reasons of impartiality judges are not able to engage in correspondence.

Please contact us should you require any assistance or have any general procedural queries in relation to an attended hearing (also known as an 'oral hearing'). This can be done by telephone (**0300 456 4600**), in writing (other than where formal application is required, for example, to ask for a hearing date

to be changed), or e-mail. Our e-mail address is **[courtofprotectionhearings@hmcts.gsi.gov.uk](mailto:courtofprotectionhearings@hmcts.gsi.gov.uk)**

Staff in the court's Listing & Appeals section provide administrative support to the Court of Protection but cannot provide any legal advice. If you need legal advice please contact a solicitor.

When contacting us please always quote the full reference given in our covering letter e.g. L&A/FTG/11234567-02, the name of the person to which the case relates and the date of the hearing. This will help us deal promptly with your query.

If you are unrepresented (e.g. you do not have a solicitor to help you) and are concerned about going to Court on your own, we can supply a leaflet from the **PSU – Personal Support Unit** who may be able to help you. The PSU can be contacted on **020 7421 8533**. You can also seek general guidance from the Citizens Advice Bureau on **03444 111 444**.

## Coming for a hearing – frequently asked questions

### Q1. What is 'Service'?

**A1.** If you made the original application to the court you are the 'Applicant'. To comply with the Mental Capacity Act and Court Rules, you must inform the person (to whom the application refers) of the hearing within 14 days of receiving notice of the hearing, and where practicable, no later than 14 days before the hearing. These are the usual timescales for service. If you receive a court order (see Q3 below) this may specify different methods or timescales for service and you should comply with the directions in that Order.

You should use form COP14 'Proceedings about you in the Court' to inform the person about the hearing and then complete and return to Listing & Appeals form COP20A 'Certificate of Service/Non Service' (enclosed). These forms and guidance are available on our website [www.gov.uk/court-of-protection](http://www.gov.uk/court-of-protection)

**Q2. What if I can't serve the person in time?**

- A2.** We recognise that there are circumstances where it may not be possible to serve the person (that the application is about) in time. If this happens, please ensure you note any service/notification forms clearly of the date that service /notification was achieved.

**Q3. What is a Directions Order?**

- A3.** Before any hearing, the Judge may issue a directions order which might ask you to provide certain information, for example in the form of a statement. You may be asked to 'file' certain documents with the Court – this means that you have to send them to the Court within the specified time or as quickly as possible. (See notes above on contacting us)

**Q4. What will happen at the hearing?**

- A4.** The hearing will take place in a court room. The room will have equipment to record the evidence being given. The judge will conduct the hearing and generally will hear the views of all parties or their representatives. Parties are reminded that the Court of Protection is part of the High Court and attendees are expected to act respectfully to staff, judges and each other.

**Q5. I can't come on the date that has been set for the hearing - Can the hearing be adjourned/vacated?**

- A5.** If there is no alternative but to request an adjournment/re-listing or to vacate a hearing, a formal application must be made to the Court on form COP9 which can be obtained from the Court's website [www.gov.uk/court-of-protection](http://www.gov.uk/court-of-protection). You should clearly set out the reasons and either obtain the consent of all parties or notify them of your request. Your request will be conveyed to a judge to consider.

Judicial time is very limited and ONLY the judge can agree to adjourn/re-list/vacate a hearing.

If the judge has agreed to the vacation of the hearing (e.g. to have the hearing on a different date), you will be notified by a member of the Listing & Appeals staff.

**Q6. Are there any fees or costs for Hearings?**

- A6.** Yes - there is a hearing fee, currently £500 the court will write to you when this needs to be paid.

Please refer to our Fees booklet COP44. Our booklet EX160A tells you what to do if you are unable to afford to pay part or all of the fee.

**Q7. Who is the Official Solicitor?**

- A7.** The Official Solicitor acts for people who, because they lack mental capacity and cannot properly manage their own affairs, are unable to represent themselves and no other suitable person or agency is able and willing to act. He usually becomes formally involved when appointed by the Court, and he may act as his own solicitor, or instruct a private firm of solicitors to act for him.

If the person to whom the application refers is to be represented by the Official Solicitor, the Applicant must serve the Official Solicitor immediately with copies of the application and supporting evidence, and let him have copies of any further evidence filed in due course. His address is Victory House, 30-34 Kingsway, London WC2B 6EX (DX 141423 Bloomsbury 7). Telephone 020 3681 2751

**Q8. What is a 'Bundle'?**

- A8.** Unless otherwise directed by the Court a bundle is prepared by the Applicant. It is an indexed, paginated list of documents relevant to the hearing. Papers should be set out in chronological order from the front of the bundle and divided into separate sections (each section being separately paginated). If possible the contents shall be agreed by ALL parties. The bundle shall be contained in one or more A4 size ring binders or lever arch files. Practice Direction 13B provides guidance about bundles. The completed bundle shall be lodged with the Court not less than 3 working days before the hearing, or at such other time as may be specified by the judge. Please mark any bundle for the urgent attention of Listing & Appeals Section. Bundles cannot be accepted by fax or email. Staff are unable to alter Bundles once received.

Please note that paragraph 9.1 of Practice Direction 13B provides that following completion of the hearing the party responsible for the bundle must retrieve it from the court immediately or, if that is not practicable, must arrange to collect it from the court within five working days. Bundles which are not collected within the stipulated time may be destroyed. If you do not collect your bundle, HMCTS may make a charge for the cost of disposal.

#### **Q.9 How do I arrange a Telephone Conference Hearing?**

- A9.** If the Court directs that a hearing be conducted by telephone it is the responsibility of the Applicant or the Objector (person objecting to an application) to arrange and book the telephone hearing with either BT or Legal Connect conferencing services.

Please contact either BT Conferencing Services on 0800 0284194 or Legal Connect on 0800 953 0405

You will need the direct telephone number of ALL the parties.

You will need the telephone number of the Court – this will be our Public Counter Number 020 7421 8718.

You will need to send us confirmation of the booking at least 2 days prior to the hearing.

#### **Q10. How do I get to the Court?**

- A10.** Our address is The Court of Protection, First Avenue House, 42-49 High Holborn, London, WC1V 6NP

##### **National Rail**

The nearest train stations are City Thameslink (Holborn Viaduct exit) Farringdon, Charing Cross, Kings Cross and Euston.

##### **Underground**

The nearest tube stations are Chancery Lane on the Central Line and Holborn on the Piccadilly line.

##### **Bus**

Bus numbers 8, 25, 242 and 521 stop outside First Avenue House. Go to [www.tfl.gov.uk](http://www.tfl.gov.uk) for more detailed updated travel information.

##### **Car**

Unfortunately there is no parking available at First Avenue House.

There is parking available in Lincolns Inn Fields and Maltravers St. The nearest car park is in New Court, Carey Street, with additional ones at Drury Lane, Holborn and Shoe Lane.

Should you have any disability requirements please contact our Public Counter Reception on 020 7421 8718. All our courtrooms at First Avenue House in London are wheelchair accessible.